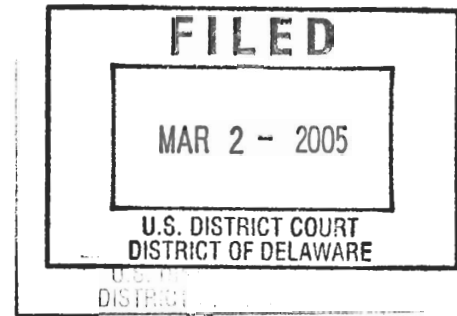


IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



JAMES WILSON,

PETITIONER;

V.

RICHARD KEARNEY,

WARDEN,

Civil Action No. 04-1363- GMS

Respondent.

MOTION REQUESTING COURT TO RULE AS FACTUAL WITHOUT STATES RESPONSE

NOW COMES, Petitioner requesting that this Honorable Court rule on his Habeas Corpus without state's response.

1. The State was given 45 days to answer or respond to the allegations of the petition and has failed to do so.
2. According to 2243 of 28 U.S.C. the Court can rule and not accept state's response at a later date. Also, see Whiting v. Burt, 266 F. Supp. 2d 640,644 E.D. Mich.2003; U.S. EX Rel. Mattox v. Scott, 507 F.2d 919,924(7th Cir.1974)E per curiam. Dickens v. Jones 203 F. Supp. 2d 354,361 and Ward v. Wolfenbarber, 323 F. Supp.2d at 828.

WhereFore, Petitioner ask that this Honorable Court grant this motion.

Date 2-23-05 James A. Wilson  
S.C. - Georgetown, De. 19947

I certify that a true copy of Motion was sent to the following(s)

Honorable Gregory M. Sleet

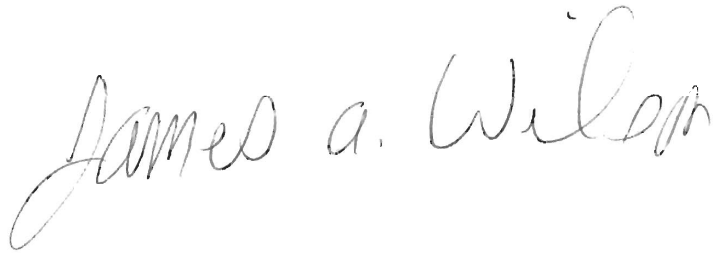
UnitedStatesDistrictCourt

844 N.King St,Wilm,DE.19801-3570

Attorney General

820 N. French, St. Wilm, DE.19801  
Carvel Building Dept. of Justice

On this 23 day of February 2005

A handwritten signature in cursive script, reading "James A. Wilson". The signature is written in dark ink and is positioned below the date line.